

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Richard T. Sonberg,)	C.A. #9:04-1535-23
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
John D. Ahrens, d/b/a Outlaw)	
Dredging Co.,	.)
)	
Defendant.)	
)	

This matter is before the court upon the magistrate judge's recommendation that plaintiff's motion to reopen and for additional relief be granted. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is hereby **ordered** that plaintiff's motion to reopen and for additional relief is **granted**, and defendant is ordered to return The Equipment to plaintiff at Hilton Head Island forthwith, or, in the alternative, plaintiff is authorized to recover possession of The Equipment, at the expense of defendant, pursuant to South Carolina law. Further, plaintiff is entitled to a monetary award, as authorized by S.C. Code Ann. § 15-69-210, if repossession of any of The Equipment, as itemized in the Lease, cannot be obtained within

a reasonable period of time, and such monetary award shall be set after plaintiff's motion for a hearing pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.

S/Patrick Michael Duffy

Patrick Michael Duffy
U.S. District Judge

Charleston, South Carolina
May 13, 2005